

tm
DAC

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/637,843

Applicant: ULRICH et al.

Filed: August 10, 2000

TC/AU: 1761

Examiner: C. A. Paden

Docket No.: 211174 (Client Reference No. REN 1-00-107 CIP3)

Customer No.: 23460

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37 C.F.R. § 1.181 To Correct Date of Abandonment

Sir:

In response to the Notice of Abandonment mailed July 7, 2006, Applicants file this petition to correct the date of abandonment.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number:			
Name (Print/Type)	Jeffrey Burgan		
Signature	Jeffrey Burgan	Date	August 7, 2006

*REMARKS**The Date of Abandonment*

A Decision on Appeal in the present application (09/647,843) was rendered and mailed on May 3, 2006. According to 37 C.F.R. § 1.304, Applicants have two months from the Decision on Appeal to file an appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action. Accordingly, the correct date of abandonment is July 4, 2006, one day after the last day (July 3, 2006) of the two month period. The Office prematurely declared the present application abandoned on June 29, 2006 and had no authority under the rules or statutes to do so. Applicants filed a divisional application (11/479,293) on June 30, 2006 and claimed priority through the present application. To allow for proper continuity between the divisional application and its parent, the present application, Applicants respectfully request that the Office grant their petition to correct the date of abandonment to July 4, 2006. The corrected date should be reflected on all relevant U.S. PTO records including PAIR.

Upon receipt of the Notice of Abandonment, the representative of Applicants contacted Examiner Carolyn Paden, who directed the representative to the Examiner's supervisor, Milton Cano. Applicants' representative asked if Milton Cano would correct the error internally as the mistake was that of the Office. He stated that he was unable to so and ultimately instructed Applicant's representative that a petition would need to be filed to correct the Office's error. Accordingly, the present petition is filed.

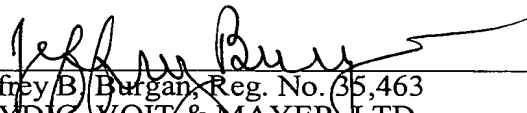
Fees

As the Office is responsible for the premature abandonment of the present application, Applicants respectfully submit that no fee is required for making this petition. However, if any fees are owed in connection with this communication, please charge Deposit Account No. 12-1216.

Conclusion

Applicants respectfully request that their petition be timely considered and granted. The Office is encouraged to contact the undersigned with any questions.

Respectfully submitted,


Jeffrey B. Burgan, Reg. No. 35,463
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: August 7, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

To: 21174 cc: Renessen
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,843	08/10/2000	James Francis Ulrich	00-107	7091

23460 7590 07/07/2006

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

PADEN, CAROLYN A

ART UNIT PAPER NUMBER

1761

DATE MAILED: 07/07/2006

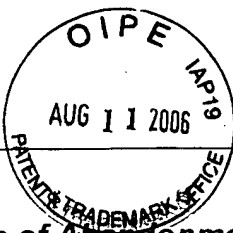
LEYDIG, VOIT & MAYER
RECEIVED

MPM JUL 12 2006

JC

PAT/TM Due Date 11/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/637,843

Examiner

Carolyn A. Paden

Applicant(s)

ULRICH ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 5-3-06 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Carolyn Paden

CAROLYN PADEN 1761
PRIMARY EXAMINER 6-29-06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.